

PLAINTIFFS' DESIGNATION OF DEPOSITION TESTIMONY OF MALCOLM MACLEOD

(Testifying By Way of Deposition Only)

(Counter-Designations in italicized text)

Deposition April 19, 2005

| | Objection/Counter-Designations (include specific page and line numbers of material objected to and objection(s)) | Response |
|------------------|--|----------|
| 7:8-11 | | |
| 8:24-9:21 | | |
| 25:22-26:5 | | |
| 27:10-28:4 | | |
| 29:2-14 | Designation omits part of answer and should include 29:15-20 | OK |
| | 29:15-20 | |
| 30:22-25 | | |
| 34:8-14 | | |
| 39:11-40:4 | | |
| 68:25-69:1, 7, 9 | | |

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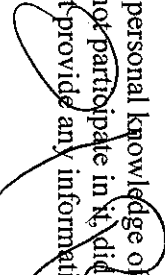
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|------------|--|--|
| 69:11-15 | | |
| 72:18-73:4 | | |
| | <i>73:5-12</i> | |
| 74:11-15 | | |
| 74:20-24 | | |
| | <i>74:25-75:2</i> | |
| 75:3-11 | | |
| | <i>75:12-17</i> | |
| | <i>77:15-78:3</i> | Lacks foundation and calls for speculation. FRE 602. |
| 80:13-22 | | |

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| 81:8-14 | Irrelevant, misleading; no spy police were involved in Parabe. FRE 401-403.  | The evidence is not offered on the issue of what took place at Parabe, but generally on issues of agency and control over the GSF by CNL. |
| | <i>90:10-12</i> | |
| 103:9-104:6 | | |
| | <i>104:7-12</i> | |
| 105:8-18 | | |
| 109:21-110:11 | Deponent lacks personal knowledge of risk management team because he did not participate in it, did not know anyone on the team and did not provide any information to them. See Dep. 110:12-25.  | The fact that the witness was not on the committee does not mean his is unable to testify concerning it as his supervisor, Scott Taylor, was a "core member." |
| 111:3-21 | Testimony regarding 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring |

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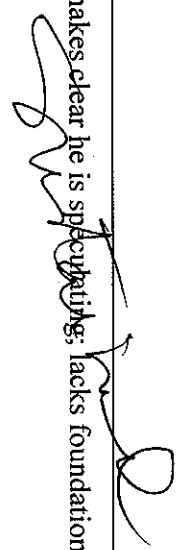
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| | included Ijaw hostage takings and the Ijaw/Ilaje crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | pre-Parabe. |
| 115:19-23 | | |
| | <i>117:7-18</i> | |
| 118:16-120:4 | | |
| | <i>120:5-14</i> | |
| | <i>129:19-130:1; 130:13-20</i> | |
| 152:21-25 | | |
| 153:6-9 | | |

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| | <i>150:23-151:12</i> | Clearly speculative testimony lacking in foundation. FRE 602.  |
| 153:12-155:4 | | |
| | <i>157:5-158:9</i> | Witness makes clear he is speculating; lacks foundation. FRE 602.  |
| | <i>158:20-22</i> | |
| | <i>160:9-161:11</i> | |
| 162:16-164:4 | | |
| 164:5-8 | | |
| | <i>166:20-167:9, Exhibit 57</i> | |
| | <i>169:1-170:4</i> | |

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| 224:6-18 | Testimony regarding interview done in connection with 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Maje crisis that plaintiffs have continuously tried to exclude. <i>See</i> Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. Deponent lacks personal knowledge of statements from interviewee; hearsay. FRE 602, 802. | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. |
| 225:4-11 | Testimony regarding interview done in connection with 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Maje crisis that plaintiffs have continuously tried to exclude. <i>See</i> Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. Deponent lacks personal knowledge of statements from interviewee; hearsay. FRE 602, 802. | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. |

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| 225:20-24 | Testimony regarding supervision or provision of counsel following 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilae crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. |
| 226:2-15 | Testimony regarding training which occurred in May 1999 following 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilae crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. |
| 227:14-228:3 (through "three- | Testimony regarding training which occurred in May 1999 following 1999 security review is irrelevant and prejudicial | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic |

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| day course") | because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilaie crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. This testimony relates to the Spy police, which were utilized by CNL in the years preceding Parabe. |
| 228:11-15 | Testimony regarding whether training was provided for military in connection with 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilaie crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. |
| 230:3-10 | Testimony relating to expected results following 1999 security review is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring |

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| | Delta, which included Ijaw hostage takings and the Ijaw/Ilae crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | pre-Parabe. |
| 237:17-238:8 and Exh. 68 | Exhibit 68 (1999 security review) and testimony about exhibit is irrelevant and prejudicial because it post-dates the Parabe incident. As MacLeod makes clear, the concern arose because of the deteriorating security situation in the Niger Delta, which included Ijaw hostage takings and the Ijaw/Ilae crisis that plaintiffs have continuously tried to exclude. See Dep. 224:21-225:3. It would mislead the jury and be unduly prejudicial. FRE 401-403. | The security review was not focused on post Parabe conditions in the Niger Delta, but was rather a generic review of CNL's use of the GSF across time. Many comments from CNL staff involved incidents occurring pre-Parabe. |
| | 238:9-14 (designated only if security review materials come in) | |